

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>IN RE: 400 WALNUT ASSOCIATES, L.P.</b>	<b>:</b>	<b>CIVIL ACTION</b>
	<b>:</b>	<b>NO. 11-7439</b>

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**ORDER**

**AND NOW**, this 7th day of June, 2012, upon consideration of Certificate of Appeal from Opinion and Order of Bankruptcy Judge Dated 10/20/11 Entered on 10/20/11 and October 20, 2011 Judgment Entered Against 4th Walnut Associates, L.P. (Document No. 1, filed December 2, 2011), Opening Brief of Appellant 4th Walnut Associates, L.P. in Support of Its Appeal of the Opinion, Order and Judgment of the United States Bankruptcy Court for the Eastern District of Pennsylvania Dated October 20, 2011 (Document No. 4, filed December 22, 2011), Brief of the Appellee, 400 Walnut Associates, L.P., in Support of Opinion and Order Issued by the United States Bankruptcy Court for the Eastern District of Pennsylvania on October 20, 2011 (Document No. 6, filed January 6, 2012), and Reply Brief of Appellant 4th Walnut Associates, L.P. in Support of Its Appeal of the Opinion, Order and Judgment of the United States Bankruptcy Court for the Eastern District of Pennsylvania Dated October 20, 2011 (Document No. 10, filed January 18, 2012), for the reasons set forth in the Memorandum dated June 7, 2012, **IT IS ORDERED** as follows:


1. The Certificate of Appeal from Opinion and Order of Bankruptcy Judge Dated 10/20/11 Entered on 10/20/11 and October 20, 2011 Judgment Entered Against 4th Walnut Associates, L.P., is **TREATED** as a Motion for Leave to Appeal and is **GRANTED**;

2. The judgment of the Bankruptcy Court dated October 20, 2011, denying the claim of 4th Walnut Associates, L.P., for pre-petition default interest accruing between May 1, 2009, and July 23, 2010, is **REVERSED**; and

3. The case is **REMANDED** to the Bankruptcy Court for further proceedings consistent with the attached Memorandum, including a determination as to whether 4th Walnut Associates, L.P. is entitled to pre-petition default interest accruing between the date of the default<sup>1</sup> and June 18, 2010, the date on which 4th Walnut Associates, L.P. purchased the loan at issue.

**IT IS FURTHER ORDERED** that the Clerk of Court shall **MARK** the case **CLOSED**.

**BY THE COURT:**

  
JAN E. DUBOIS, J.

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<sup>1</sup>The parties dispute precisely when the default occurred.